

Attorney Docket No. 9052.218

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Noel O'Neill
Application No.: 10/528,711
Filed: October 18, 2005
For: APPARATUS FOR PROVIDING A VISUAL EFFECT

Confirmation No. 8453
Examiner: Stephen J. Ralis
Group Art Unit: 3742

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Kristoffer Hess, do hereby declare and say as follows:

1. My background and experience are as follows.

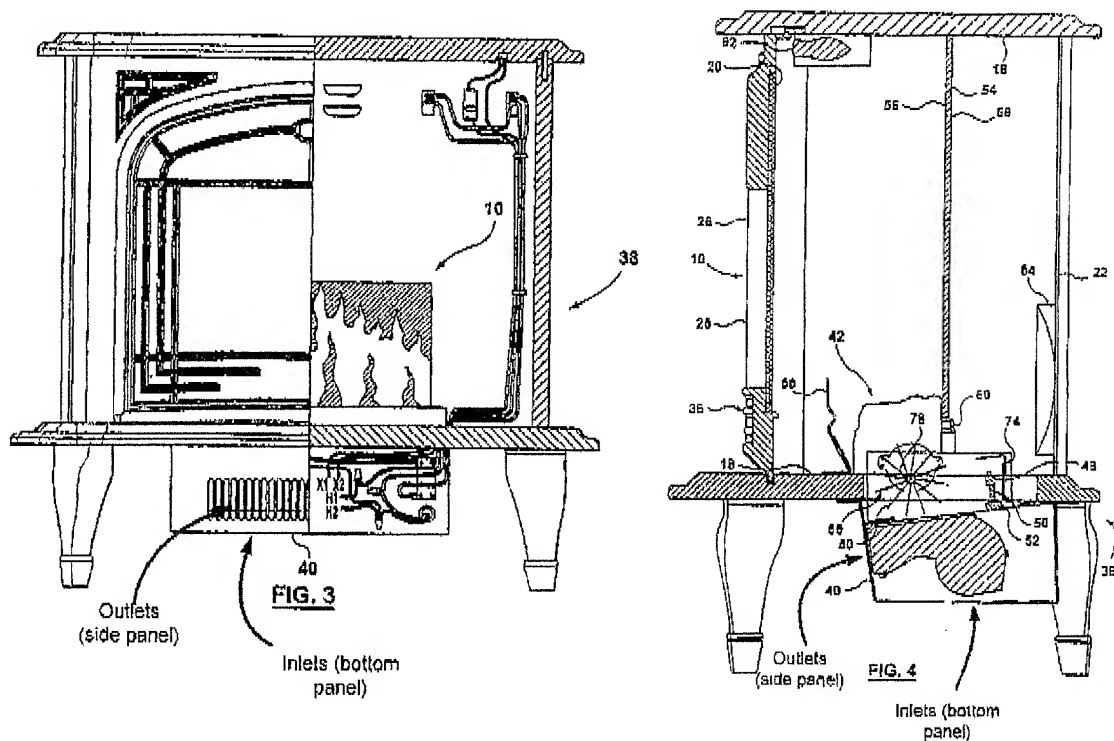
I am the Senior Vice-President of Product Development and Engineering at Dimplex North America Limited. I graduated from Ryerson University (as it is now) in 1985 with the degree of Bachelor of Technology in Mechanical Engineering. I have been a Professional Engineer in the Province of Ontario since 1998. My experience includes over 23 years of design and fabrication of mechanical and electrical devices.

2. I have reviewed the contents of U.S. Patent Application No. 10/528,711 to O'Neill ("O'Neill"), and the Office Action dated July 18, 2008 in O'Neill (the "Action").


3. I am the inventor of U.S. Patent No. 6,564,485 to Hess ("Hess"), which is cited in the Action. The Hess patent has been assigned to Dimplex North America Limited. Dimplex North America Limited is owned by the parent company of Basic Holdings. O'Neill is assigned to Basic Holdings.

4. Page 8 of the Action identifies "vents" on the bottom of the stove heater unit 40 in Hess. These "vents" are air inlets. The outlets of the stove heater unit 40 are located on the side of the unit 40 so that heated air is expelled in a generally forward direction. The inlets and outlets of the stove heater unit 40 of Hess are therefore located on different panels of the unit 40.

5. Figures 3 and 4 are reproduced below with notation added indicating the positions of the air inlet and outlets.



6. All of the statements made above of the undersigned declarant's own knowledge are true, and all statements made on information and belief are believed to be true. The undersigned acknowledges that willful false statements and the like made herein are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the above-referenced application or any patent issuing therefrom.


Kristoffer Hess

SEPT 18, 2008
Date